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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|---------------------------|---------------------|------------------|
| 09/965,697 | 09/27/2001 | Tarlochan Singh Dhadialla | A01115A (RH-0036) | 4412 |

37978 7590 05/14/2004

NEW RHEOGENE I LLC
2650 EISENHOWER AVENUE
NORRISTOWN, PA 19403

EXAMINER

BRANNOCK, MICHAEL T

| ART UNIT | PAPER NUMBER |
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1646

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---------------------------------------------------|---------------------|

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| EXAMINER |
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| ART UNIT | PAPER |
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051004

DATE MAILED:

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Commissioner for Patents

The reply filed on 3/2/04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant was required to elect a single disclosed multiple modulation system for prosecution on the merits, see page 3 of the restriction/election requirement (mailed 10/3/03). However, Applicant's election includes a vast plurality of different systems. Applicant is encouraged to contact the examiner by telephone if there remains any confusion over the election requirement. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brannock, Ph.D., whose telephone number is (571) 272-0869. The examiner can normally be reached on Mondays through Fridays from 10:00 a.m. to 4:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, Ph.D., can be reached at (571) 272-0887.

Official papers filed by fax should be directed to (703) 872-9306. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

MB

5/10/04

Elizabeth C. Kemmerer

ELIZABETH KEMMERER
PRIMARY EXAMINER